IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13662 of 2003

For Approval and Signature:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AYUBBHAI DAULATBHAI PATHAN

Versus

AHMEDABAD ELECTRICITY CO LTD

Appearance:

1. Special Civil Application No. 13662 of 2003

MR VK JOSHI for Petitioner

MR KB PUJARA for AEC

MR RM CHHAYA for AMC

MR DN PATEL for AUDA

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE J.N.BHATT

Date of decision: 18/09/2003

ORAL JUDGEMENT

(Per : HON'BLE THE CHIEF JUSTICE)

1. Rule. Service of Rule is waived by learned counsel for the respondents.

2. The petitioner is the President of Sagar Jamalpur Association, a `high rise building'. It has not been provided electricity connection, therefore, it is submitted that the respondents be directed to provide electricity connection to the said building. Before electricity connection is provided, occupants have to seek `No Objection Certificate' from the Ahmedabad Municipal Corporation (AMC), with respect to installation of fire safety measures. The matter is, therefore, disposed of with the following directions:-

(1) The petitioner, in case has not installed requisite Fire Safety measures so far, which are otherwise required for the High Rise Buildings, shall install Fire Safety System as required under the law within six months.

(2) Upon completion of such installations, the petitioner shall apply to the AMC for the purpose of obtaining "No Objection Certificate" and after having made such an application, it will be incumbent upon the AMC to decide either by way of granting or rejecting "No Objection Certificate" within a period of 30 days from the date of such application along with the payment of scrutiny fees.

(3) On receipt of such "No Objection Certificate", the petitioner will apply to AUDA/AMC for `Building Use Permission' within a week. AUDA/AMC will decide such applications within four months.

(4) The petitioner/occupants who have not applied to AEC for domestic electricity connection on proper application/form/format will do so within fifteen days seeking electricity connection to their premises and pay usual charges. Electricity connection shall be provided by AEC within three weeks. The petitioner/occupants will file undertaking with AEC to the effect that in the event of `Building Use Permission' not being granted by AUDA/AMC to them, electricity connection could be disconnected on information

to this effect being supplied by AUDA/AMC to AEC.

3. It is made clear that in case the petitioner has already applied on proper form and paid usual charges, it will not be called upon to apply and pay afresh. This petition is disposed in terms aforesaid. Rule is made absolute. Direct service is permitted.

(BHAWANI SINGH)
CHIEF JUSTICE

(J.N.BHATT)
JUDGE

(sunil)